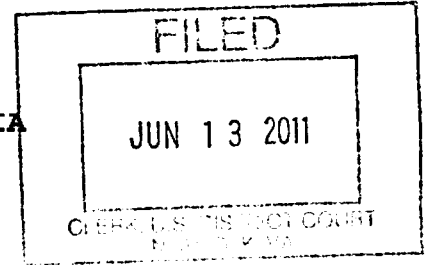


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LEWIS J. DOWDY,

Petitioner,

v.

Case No.: 2:10cv457

JAMES W. STEWART III,
Commissioner of the Virginia
Department of Behavioral Health
And Development Services,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition alleges violations of federal rights pertaining to Petitioner's civil commitment by the Montgomery County Circuit Court pursuant to the Civil Commitment of Sexually Violent Predators Act, Va. Code § 37.2-900 et seq. The Petitioner challenged the state court judgment finding that Petitioner was a sexually violent predator and civilly committing him to the Virginia Center for Behavioral Rehabilitation for in-patient treatment.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern

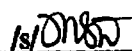
District of Virginia for report and recommendation. The report of the magistrate judge was filed on May 4, 2011, recommending that the petition be denied and Petitioner's claims be dismissed without prejudice. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the magistrate judge. The Court received no response from either party.

The Court, having reviewed the record, does hereby ADOPT AND APPROVE the findings and recommendations set forth in the report of the United States Magistrate Judge filed on May 4, 2011 (ECF No. 21), and it is, therefore, ORDERED that the petition be DENIED for the reasons stated in the report. Adopting the recommendations in the magistrate judge's report, it is ORDERED that Petitioner's Motion to Appoint Counsel, (ECF No. 7), and Petitioner's Motion for Default Judgment, (ECF No. 17), be DENIED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this final order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a

constitutional right." 28 U.S.C. § 2253(c)(2). Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.



Mark S. Davis
United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

June 13, 2011